IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1451 OF 2004

WITH

CRIMINAL WRIT PETITION NO.1450 OF 2004

WITH

CRIMINAL WRIT PETITION NO.1457 OF 2004

WITH

CRIMINAL WRIT PETITION NO.1458 OF 2004

WITH

CRIMINAL WRIT PETITION NO.1461 OF 2004

WITH

CRIMINAL WRIT PETITION NO.1462 OF 2004

S.B.Enterprises & Anr. .. Petitioners

Versus

The State of Maharashtra .. Respondents

CORAM : A.M.KHANWILKAR, J.

DATE : SEPTEMBER 15, 2004.

P.C.

1. According to the learned Counsel for the petitioners, there was no delay in filing revision because the non bailable warrants were received by the petitioners on 1st April 2004 and revision was filed on 17th January 2004, which was well within 90 days. This submission is untenable. For the purpose of limitation, the date on which the order was passed will have to be reckoned and not the date of knowledge of the petitioner. Indeed, the petitioners may be entitled to contend that the delay so caused be condoned, if sufficient cause as made out by the petitioners is accepted by the concerned Court. Viewed in this perspective, no fault can be found with the court below in declining registration of the criminal revision application as filed by the petitioner, as the same was not accompanied by

application for condonation of delay. The learned Counsel for the petitioners submits that in the interest of justice, petitioners be granted liberty to approach the lower court so as to file appropriate application for condonation of delay, giving sufficient cause and to pursuade the court below to condone the delay. Thereafter, the criminal revision application can be registered. There is no difficulty in accepting this request. In the circumstances, while disposing of these petitions, for the reasons already recorded above, petitioners are granted liberty to approach the lower court by filing necessary application for condonation of delay in filing revision application and if sufficient cause is made out, the court below may condone the delay and register the same. This be done within one week from today.

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